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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,598	12/07/2001	Leonid Spektor	JJ-11 468US	9730
24962	7590	03/08/2005	EXAMINER	
DENNISON ASSOCIATES 133 RICHMOND STREET WEST SUITE 301 TORONTO, ON M5H 2L7 CANADA			FILIPCZYK, MARCIN R	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/005,598

Applicant(s)

SPEKTOR, LEONID

Examiner

Marc R Filipczyk

Art Unit

2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-16 is/are rejected.  
7) ☒ Claim(s) 1-16 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

Art Unit: 2161

### DETAILED ACTION

This is in response to application filed on December 7, 2001 wherein claims 1-16 are presented for examination.

**To expedite the process of examination Examiner requests that all future correspondences in regard to overcoming prior art rejections or other issues (e.g. amendments, 35 U.S.C. 112, objections and the like) set forth by the Examiner that Applicants provide and link to the most specific page and line numbers of the disclosure where the best support is found (see 35 U.S.C. 132).**

### *Drawings*

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. **Therefore, the features of passing data between the claimed three independent components must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.**

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet"

Art Unit: 2161

pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

The disclosure is objected to because of the following informalities: On page 26, last line, “complied” should be replaced with “compiled”.

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Appropriate correction is required.

### ***Claim Objections***

**Claims 1-16 are objected to because of the following informalities:**

Regarding claim 1, the preamble “A method” should be replaced with “A computer implemented method” to clarify that the method is used by a computer. Second, claim 1, line 3, the character “;” should be replaced with “,”.

Claims 2-16 depend from claim 1 thus they contain the informalities of claim 1 and are objected to on the same merits.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 1, the segment, “SQL-like” is indefinite. It is not clear what type of SQL query is used. Second, the term, “ordinary” is indefinite. The term ordinary is not definite because it does not comprise a unique meaning, instead the meaning is open to interpretation depending on the application and the reader. Third, “the supported Database” is indefinite. It is not clear how the database is supported. Fourth, the segment, “the given” is indefinite. It is not clear what “the given” corresponds to. Last, the term “being” is indefinite. It is not clear what being means, hence it is unclear if the application is a program.

Regarding claim 6, the segment, “query filter and filters the” is indefinite. It is not clear what filtering is performed.

Regarding claims 8 and 11, the segment, “SQL-like grammar” is indefinite. It is not clear what type of SQL query and grammar is used.

Regarding claim 9, the term, “learns” is indefinite. It is not clear what the query filter learns or how it learns.

Regarding claim 10, the phrase “any practical” is indefinite. The phrase “any practical” is not definite because it does not comprise a unique meaning, instead the meaning is open to interpretation depending on the application and the reader.

Art Unit: 2161

Regarding claims 12, 13 and 15, the phrase, “plugin.c” is indefinite. The term “plugin.c” is not definite because it does not comprise a unique meaning, instead the meaning is open to interpretation depending on the application and the reader.

Regarding claims 2-16 depend from claim 1 thus they contain the deficiencies of claim 1 and other intervening claims respectively, and are rejected on the same merits as claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Goldberg et al (U.S. Patent No. 6,430,556).**

Regarding claim 1, Goldberg discloses a method and system for SQL query selections with user defined plug-ins functions operating on semi-structured and structured data files, the method comprising: (fig. 1)

a) providing three interconnected independent components: (fig. 3)

a query filter, a data extractor, and a database; (fig. 3, items 302, 300 and 304)

the query filter for issuing and parsing relational queries, (col. 2, lines 54-56)

data extractor extracts the data or obtains information about the database schema

and returns the database schema, (fig. 3, items 300, 316, and col. 6, lines 42-48)

the database is a local or distributed collection of structured or semi-structured data files; (fig. 1, item 110 and col. 5, lines 6-8) and

b) passing requests between the query filter and the data extractor, and between data extractor and the database to allow the query filter to view the data of the database matching the SQL query selection (fig. 3, items 300, 302 and 304 and col. 5, lines 64-67; note, object 206 is located on client side).

Regarding claims 2 and 3, Goldberg discloses the database schema is returned from the data extractor to query filter (col. 6, lines 54-56).

Regarding claims 4-7, Goldberg discloses the query filter (fig. 5, item 536) passes requests and interacts directly with the data extractor (fig. 5, item 500) via an interface to select and obtain desired information (fig. 5, item 534, and col. 8, lines 33-41).

Regarding claim 8, Goldberg discloses SQL grammar like Backus Naur Form (fig. 10, items 1016, 1018 and 1020).

(Backus form is of data type, column and procedures)

Regarding claim 9, Goldberg discloses a UNIX environment (col. 5, lines 18-23).

Regarding claim 10, Goldberg discloses data extractor may be implemented in many programming languages (col. 7, lines 39-45).

Art Unit: 2161

Regarding claims 11-15, Goldberg discloses plug-ins and routines to support multiple data types (fig. 3, and col. 5, lines 64-67).

Regarding claim 16, Goldberg discloses the database comprises dispersed structured or semi-structured data files (fig. 1, item 110 and col. 14, lines 8-35).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents demonstrate the state of art with respect to data filtering:

U.S. Patent No. 6,591,289 of Britton

U.S. Patent No. 6,757,689 of Battas et al

U.S. Patent No. 6,760,719 of Hanson et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc R Filipczyk whose telephone number is (571) 272-4019.

The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 2161

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MF  
March 5, 2005

  
**FRANTZ COBY**  
**PRIMARY EXAMINER**